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NOV 25 2005

For The Northern Mariana Islands
By _____
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Attorneys for Defendant
Pro Marine Technology

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

JOHN BRADY BARRINEAU)	CIVIL ACTION NO. CV05-0028
)	
Plaintiff,)	
)	
vs.)	PRO MARINE TECHNOLOGY'S CASE
)	MANAGEMENT CONFERENCE
PRO MARINE TECHNOLOGY and)	STATEMENT [LR 16.2.e.2.; FED.R.CIV.P.
CABRAS MARINE CORPORATION)	16(b) and (c)]
)	
Defendants.)	
)	

Defendant Pro Marine Technology files it Case Management Conference Statement as follows.

I. LR 16.2.e.2:

A. Service on Parties Not yet Served:

Not applicable.

B. Jurisdiction and Venue.

Pro Marine Technology's Case Management Conference Statement
[LR E.2.; FED.R.CIV.P. 16(B) and (C)]
Barrineau vs. PMT Technology, et al.
Civil Case No. CV 05-0028
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Pro Marine Technology believes that venue is improper in the District of the Commonwealth of the Northern Mariana Islands, or, at the very least, that the Commonwealth of the Northern Mariana Islands is an inconvenient forum. Pro Marine Technology may therefore be filing a motion to dismiss on *forum non conviens* grounds, or in the alternative, a motion to transfer venue to the District of Guam. The incident giving rise to suit occurred in Guam. The M/V Hauge is moored in the territorial waters of Guam. All of the witnesses to the incident reside on Guam except for Plaintiff, who resided on Guam at the time of the incident. Several witnesses who work with "recompression chambers" here on Guam will also have personal knowledge of Plaintiff's medical condition. All of the equipment Plaintiff was using at the time of the incident (except for his personally-owned gear and equipment) is physically present on Guam. While Pro Marine Technology does hold a business license in the CNMI, it has only had two short jobs in the CNMI this year, one in Saipan which took less than a day, and one in Tinian and Rota which took two days, both of which were unrelated to the incident giving rise to suit.

C. Anticipated motions.

(i) A motion to dismiss on *forum non conviens* grounds and/or a motion to transfer venue to the District of Guam.

(ii) A potential motion to dismiss and/or motion for summary judgment on Plaintiff's Jones Act claims and on his claims for maintenance and cure and unseaworthiness.

(iii) A potential motion to dismiss and/or for summary judgment on Plaintiff's state law claims.

Pro Marine Technology's Case Management Conference Statement
[LR E.2.; FED.R.CIV.P. 16(B) and (C)]
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(iv) A motion pursuant to Fed.R.Civ.P. 35 for independent psychiatric, psychological and physical examinations of Plaintiff.

D. Appropriateness of special procedures such as consolidation of actions for discovery or pretrial:

Not applicable.

E. Modifications of the standard pretrial procedures specified by this Rule on account of the relative simplicity or complexity of the action or proceeding:

Not applicable, except to the extent the matter raised in Section G. below, may apply.

F. Settlement prospects:

Unknown at this point.

G. Any other matter which may be conducive to the just, efficient and economical determination of the proceeding, including the definition or limitation of issues:

Pro Marine Technology anticipates that Tom Sterling, Esq. of Blair, Sterling & Johnson may be substituting in as Pro Marine Technology's Guam counsel upon Mr. Sterling's return from an extended trip to the mainland in or about the first or second week in December, 2005.

II. Fed.R.Civ.P.16(b) and (c):


Pro Marine Technology submits that the matters required to be set forth by Fed.R.Civ.P. 16(b) and (c) are addressed in Sections I.A. through I.G., above. To the extent such matters are not

Pro Marine Technology's Case Management Conference Statement
[LR E.2.; FED.R.CIV.P. 16(B) and (C)]
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so addressed, Pro Marine Technology's counsel will be able to discuss them at the case management conference.

DOOLEY ROBERTS & FOWLER LLP
LAW OFFICES OF SMITH & WILLIAMS

Dated: 11.25.05

By: 
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